

Appl. No. : 10/680,523
Filed : October 7, 2003

REMARKS

In the Office Action mailed September 14, 2010, Claims 1-48 were rejected as obvious. Applicant has canceled Claims 2-4, 7, 8, 10, 11, 14-17, 20, 21, 24, 25, 28, 29, 31-37, 40, 41, 45, 46, and 48 and has amended Claims 1, 5, 6, 9, 12, 13, 19, 22, 23, 26, 27, 30, 38, 39, 42, 44, and 47 as supported at least by paragraphs [0005], [0009], [0015], and [0017] and the originally filed claim set. Accordingly, Claims 1, 5, 6, 9, 12, 13, 18, 19, 22, 23, 26, 27, 30, 38, 39, 42-44, and 47 remain pending in the application. Applicant respectfully requests reconsideration of the application in view of the remarks below.

Discussion of the Rejections under 35 U.S.C. §§ 102(e) and 103(a)

Claims 1-4, 6-8, and 10-48 were rejected under 35 U.S.C. § 102(e) as being anticipated by Oscar (U.S. Patent App. Pub. No. 2001/0037216). Claims 5 and 9 were rejected as obvious over Oscar in view of Surwit (U.S. Patent No. 6,980,958).

Applicant respectfully submits that, as stated in the M.P.E.P. at § 2131, “[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Applicant further submits that, as stated in the M.P.E.P. at § 2143, “The rationale to support a conclusion that the claim would have been obvious is that **all the claimed elements were known in the prior art.**” *KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. 398 (2007). Applicant respectfully submits that Oscar fails to describe at least one feature of each of the pending claims, as amended.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution.

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Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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